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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,507	09/04/2003	Satoshi Oshima	16869K-092500US	8026

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EXAMINER

REVAK, CHRISTOPHER A

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/656,507	Applicant(s) OSHIMA ET AL.	
	Examiner Christopher A. Revak	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,8,10,11,14,16,17,19,21,22 is/are rejected.
- 7) ☒ Claim(s) 5,7,12,13,18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 17, 2006 has been entered.

Response to Arguments

2. Applicant's arguments filed with respect to claims 1-21 rejected under 35 USC 112 first paragraph are moot, the rejection has been withdrawn by the examiner.
3. The examiner has reconsidered the prior art of record and have determined that claims 5,7,12,13,18 and 20 are objected to for being allowable, however they are currently in dependent form and would be allowable if amended to be incorporated with the intervening claims including the independent claims.
4. Applicant's arguments filed have been fully considered but they are not persuasive.

The applicant argues that the combination of Sampath and Kamath fail to disclose:

- (1) the clients do not include a local disk device; and

(2) the storage apparatus includes a program configured to update security information of clients regardless of whether or not the clients are initiated.

With respect to argument (1), the examiner respectfully disagrees, the examiner referenced the applicant's specification for defining certain aspects of the invention, on page 7, lines 22-23, it recites "A client is constituted by a so-called diskless computer that does not include a local hard drive device." Furthermore, with reference to Figure 1 of the applicant's invention, the specification on page 10, lines 15-16 recites "....the basic OS is deployed in memory 120 of the diskless client 100." Kamath is relied upon for a client that does not include a local disk device. Kamath teaches devices such as pocket PC's or palm pilots and handheld computers are limited in available storage space, see column 1, lines 14-16. Kamath further discloses that since the client does not have enough available storage, a remote drive is provided for storage and retrieval of files, see column 2, lines 7-10. The teachings of Kamath disclose of the same claimed subject as the applicant whereby both have local storage, however both lack a local disk device, so an external disk device is provided for the client.

With respect to argument (2), the examiner disagrees with the applicant. The teachings of Sampath are relied upon for disclosing of a storage apparatus that includes a program configured to update antivirus software (security information) automatically, see column 1, lines 28-30; column 7, lines 63-66; and column 8, lines 39-44. It is interpreted by the examiner that the automatic updating is done whether the client is

initiated or not since the user does not have to do anything to receive the update, see column 7, lines 63-66.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,3,4,6,8,10,11,14,16,17,19,21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sampath et al, US Patent 6,226,774 in view of Kamath et al, US Patent 6,754,696.

As per claims 1,8,14,21, and 22, Sampath discloses of a method for updating information on antivirus software (security information), in which the plurality of clients are connected with a storage apparatus through a network, the storage apparatus stores antivirus (security information)(col. 4, lines 5-16 and col. 7, lines 28-34). The antivirus program (security information) referenced by the client is stored in memory and is updated (col. 4, lines 20-27 and col. 7, lines 25-43). The storage apparatus includes a program configured to update antivirus software (security information) automatically (col. 1, lines 28-30; col. 7, lines 63-66; and col. 8, lines 39-44). It is interpreted by the examiner that the automatic updating is done whether the client is initiated or not since the user does not have to do anything to receive the update, see column 7, lines 63-66. The teachings of Sampath fail to disclose storing operating systems, application

programs, and data of the plurality of clients in a storage apparatus, sending the operating systems and the application programs to the plurality of clients when they are initiated in response to requests from the plurality of clients, wherein the plurality of clients do not have a local disk device. It is disclosed by Kamath et al of the server including a storage device that is managed by the client (col. 2, lines 6-22). It is taught that storing operating systems, application programs, and data of the plurality of clients in a storage apparatus, sending the operating systems and the application programs to the plurality of clients when they are initiated in response to requests from the plurality of clients (col. 2, lines 7-10 and col. 5, lines 24-27). Kamath teaches devices such as pocket PC's or palm pilots and handheld computers are limited in available storage space (column 1, lines 14-16). Kamath further discloses that since the client does not have enough available storage, a remote drive is provided for storage and retrieval of files (col. 2, lines 7-10). It would have been obvious to a person of ordinary skill in the art at the time of the invention to have been motivated to apply remotely located storage means that is managed by a client. Sampath et al discloses of motivational benefits by reciting that by providing an external storage drive, it is a transparent process of transferring and updating from the remote drive to the client computer (col. 2, lines 13-17) and that directories and files are stored remotely and the files can be retrieved only when required (col. 2, lines 7-10), thus freeing up storage on a client device that is an obvious distinction when applied to the teachings of Sampath et al that would only access to the updated antivirus information (security information) only when required by the client through remote access as taught by Kamath et al.

As per claims 3,10, and 16, the teachings of Sampath et al are relied upon for the use of updating antivirus software (security information) on a client computer. Kamath et al discloses of a storage apparatus connected to a client component (management computer) through the network that handles updating of information on a remote drive (col. 2, lines 6-22), please refer above to the motivational benefit of applying the teachings of Kamath et al and the use of remote storage devices connected to a server that is managed by a client.

As per claims 4,11, and 17, Sampath et al discloses that the antivirus program (security information) includes attributes relating to the files that the client uses (col. 7, lines 28-34 & 44-47). Kamath et al is relied upon for the disclosure of a storage apparatus that the client manages at the server that stores files that the client uses (col. 2, lines 3-10), please refer above to the motivational benefit of applying the teachings of Kamath et al and the use of remote storage devices connected to a server that is managed by a client.

As per claims 6 and 19, Sampath et al discloses of the client referencing the antivirus program (security information) of the client (col. 4, lines 20-27 and col. 7, lines 28-34).

Allowable Subject Matter

7. Claims 5,7,12,13,18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher A. Revak whose telephone number is 571-272-3794. The examiner can normally be reached on Monday-Friday, 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR

July 24, 2006

CHRISTOPHER REVAK
PRIMARY EXAMINER

 7/24/06